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May 6, 2003

BY HAND AND ELECTRONIC MAIL

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: D.T.E. 03-38

Dear Secretary Cottrell:

On behalf of AT&T, I would like to bring to the Department's attention a decision by the Maine Public Utilities Commission ("PUC") relevant to the matters in this docket.

In a decision issued on April 30, 2003, the Maine PUC denied a request by Verizon for a waiver of certain performance metrics similar to the waiver request that Verizon has made in this docket. As the basis for the Maine PUC's denial, it stated in part:

[W]e find that Verizon did not take all reasonable and prudent steps available to it. . . . Microsoft initially notified network administrators of a potential problem with the Slammer Worm at least six months before the attack actually occurred, and it issued "Critical" security bulletins and associated software patches at both six and three months intervals prior to the event. Despite these warnings, Verizon apparently chose not to install the appropriate patch. In support of its request, the Company describes only in very general terms the process it uses to test, evaluate and eventually install the numerous software patches that are made available by various software vendors, such as Microsoft. By failing to provide specific evidence about its knowledge and analysis of the vulnerabilities of its systems to the Slammer Worm, Verizon failed to make the clear and convincing demonstration required in § II (J) of the PAP. We find the assertions of AT&T and WorldCom

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that companies had sufficient warning about system vulnerabilities posed by the Slammer Worm and that AT&T and WorldCom were largely unaffected by the worm attack because they installed the Microsoft patch to be credible. Also, we find that Verizon failed to act in a reasonable and timely manner to institute preventive actions. Thus, Verizon should be held accountable for its failure.

Id., at 5.

AT&T requests that the Department take administrative notice of the Maine PUC's decision. A copy of the decision is attached hereto for the Department's convenience.

Kindly acknowledge receipt of the foregoing by date stamping a copy of this cover letter and returning it to the waiting messenger.

Thank you very much.

Respectfully submitted,

Jay E. Gruber

Enclosures

cc: Service List